

Frank, McKinney, Townsend,  
Garwood, Page, Weisiger,  
Glasscock, Pope, Whatley,  
Harrison,

NAYS—1.

Clemens,

Senator Garwood moved to postpone pending business and take up

Senate bill No. 92, entitled an act to authorize towns and villages incorporated for free school purposes only to levy taxes and issue bonds for free school purposes.

For the purpose of considering the House amendments.

Adopted, and on motion of Senator Garwood the House amendments were concurred in.

#### HOUSE BILLS REFERRED.

Substitute House bills No. 42 and 137, entitled "An act to amend title 111, articles 9 and 10, and to add articles 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10h and to repeal all laws in conflict herewith."

Read first time and referred to Judiciary committee No. 1.

Senate joint resolution No. 14, entitled "Joint resolution to amend section 2 of article 10 of the constitution of the state relating to railroads."

Taken up in regular order and read second time with a favorable committee report:

Senator Carter moved to adjourn to 10 a. m. tomorrow.

Adopted.

#### SIXTY-EIGHTH DAY

SENATE CHAMBER,  
TWENTY-SECOND LEGISLATURE,  
Austin, Texas, April 2, 1891. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answered to their names:

#### PRESENT—29.

Atlee,	Harrison,	Potter,
Burney	Johnson,	Seale,
Carter,	Kearby,	Simkins,
Clemens	Kimbrough,	Sims,
Crane,	Lubbock,	Stephens,
Cranford,	Maetze,	Townsend,
Finch,	McKinney,	Tyler,
Frank,	Mott,	Weisiger,
Garwood,	Page,	Whatley,
Glasscock,	Pope,	

#### ABSENT—None.

Prayer by the chaplain, Dr. Smoot.  
Pending the reading of the Journal,

on motion of Senator Clemens the further reading of the same was dispensed with.

The chair gave notice of signing and signed in the presence of the Senate, after their titles had been read, Senate bill No. 300, entitled an act to provide for the incorporation of railway companies for the purpose of acquiring, owning, maintaining and operating any line or lines of railway within this State authorized by law to be sold and to empower such companies when so organized to purchase and extend.

Also Senate bill No. 371, entitled an act to create a more efficient road system for the county of Collin, in the State of Texas and making county commissioners ex-officio road commissioners and prescribing their duties as such, and providing for their compensation as road commissioners, and defining the powers and duties of the commissioners court of said county.

The following reports were handed in from their respective committees:

Austin, April 2, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Incorporated Cities and Towns, to whom was referred

Senate bill No. 379, being a bill to be entitled "An act to authorize cities and towns to invest their sinking fund in interest paying securities, and providing for the manner of such investment,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

POTTER, Chairman.

Austin, April 1, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on State Affairs, to whom was referred

House bill No. 574, being a bill to be entitled "An act for the protection of certain birds and the eggs and prescribing penalties for violations of this act."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WHATLEY, Chairman.

Austin, April 2, 1891.

Hon. George C. Pendleton, President

Sir—Your committee on State Affairs, to whom was referred

Senate bill No. 376, being "A bill to be entitled an act to regulate telegraph

companies in this state and requiring them to promptly receive, transmit and deliver messages and to provide remedies for the violation of the provisions of this act."

Have had the same under consideration and I am instructed by a majority of said committee to report the same back to the Senate with the recommendation that it do pass.

WHATLEY, Chairman.  
Austin, March 31, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Finance to whom was referred

Senate bill No. 238, being "A bill to be entitled an act to provide for the investment of the permanent school fund of the state of Texas, by loaning the same on unincumbered real estate security and for other purposes,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

CLEMENS Chairman.

Austin, March 31, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Finance, to whom was referred

House bill No. 88, being a bill to be entitled "An act to amend section 1 of the act of March 22, 1879, relating to county commissioners court acting as a board of equalization."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Respectfully submitted,

CLEMENS, Chairman,  
Austin, April 1, 1891.

Hon. Geo. C. Pendleton, President of the Senate and Hon. R. T. Milner, Speaker of the House of Representatives:

Sirs—Your free conference committee to whom was referred the matter of the difference between the House and Senate on House bill No. 236, entitled "An act to make valid and to confirm contracts of sale made by the land board of the state of Texas, with divers persons for the sale of certain of the free school university and asylum lands of the state of Texas sold under the act of the legislature of the state of Texas, approved April 12, 1883, have had the same under consideration and report it back to the Senate and House with the recommendation that the Senate recede from its amendment.

All of which is respectfully submitted.

BROWNING,  
of Donley,  
GOUGH,  
CONNELLER,  
TILSON,  
House Committee.  
STEPHENS,  
TOWNSEND,  
PAGE,  
Senate Committee.

The following minority report on the bill was handed in:

Austin, April 1, 1891.

We, a minority of the Senate conference committee on House bill No. 236, failing to agree with a majority of the conference committee, enter our protest against the majority report herein, and believe that the Senate amendment to said bill, which is the difference between the two houses, should be the law, and we submit that the Senate should adhere to its amendment.

FRANK,  
POTTER.

On motion of Senator Stephens the majority report was adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
Austin, April 2, 1891:

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed by the House to inform you of the passage of the following bills:

Senate bill No. 161, "An act to amend section 47 of chapter 25, called session of the Eighteenth legislature, being an act to establish and maintain a system of public free schools for the state of Texas and to repeal so much of chapter 3 of title 78 of the revised civil statutes of Texas as refer to public free schools inside of incorporated cities and towns assuming or having assumed control of their public free schools."

House bill No. 636, "An act to incorporate the City of Austin, to grant it a new charter and to extend its boundaries."

Respectfully,

GEO. W. FINGER,  
Acting Chief Clerk, House of Representatives.

#### BILLS AND RESOLUTIONS.

By Senator Tyler:

A bill to be entitled "An act to provide for taking the scholastic census of counties under the district and com-

munity system and to repeal all laws in conflict herewith."

Read first time and referred to committee on Education.

#### ORDER OF THE DAY.

Senate Joint Resolution No. 14, to amend section 2 of article 10 of the Constitution of the State, relating to railroads.

Taken up on second reading.

The joint resolution was ordered engrossed.

Senator Potter moved to suspend the rule, postpone pending business, and take up out of the regular order Substitute House bills Nos. 33, 238, 296, and Senate bill No. 5, entitled "An act to create a more efficient road system for the several counties in this state, authorizing the appointment of road superintendents, defining their duties, and prescribing penalties for their failure to perform their duties, and further defining the powers and duties of the commissioners courts in the counties in which the provisions of this act are adopted.

Adopted and bill read second time with the following committee amendments:

1. Amend the caption by adding "and providing who shall be subject to road duty."

2. Amend the first section by striking out the words "or four" after the word "one," and inserting after the word "county" the words "or one superintendent in each commissioners' precinct thereof."

3. Amend section 5 by striking out "fifteen thousand inhabitants shall never exceed one thousand dollars per annum, and in counties of more than fifteen thousand inhabitants it shall not exceed \$2000 per annum," and insert in lieu, the following: "Twenty-two thousand five hundred inhabitants shall not exceed six hundred dollars per annum, and in counties of more than twenty-two thousand five hundred inhabitants it shall not exceed one thousand dollars."

4. Amend section 6 as follow: Insert after the word "machinery" in line 27, written bill, the words "unless such loss occurred," and after the word "fault" strike out "or and insured and."

5. Amend section 9 by adding the word "all" and before the word "labor" the word "such."

6. Amend section 11 by adding to same the following: "But no change in any road shall be made that lengthens the

same without it is to the benefit of the traveling public or for the protection of private property."

7. Amend section 12 by adding thereto "and he shall work such roads in such manner as the commissioner may direct, and such work shall at all times be subject to the general supervision of the commissioners court."

8. Amend section 15 by striking out the words "but the county shall not pay to the officers any costs that have been adjudged against such convict," and insert the following: "And the commissioners court may order that the county pay to the officers of the court as much as one half of the costs due them and adjudged against such convict, and upon such order such payment shall be made."

9. Amend by striking out sections 23 and 24.

10. Amend by striking out section 28 and numbering the other sections to conform to the amendments herein submitted.

11. Amend by adding in place of sections 23 and 24 the following:

Sec. 23. The county superintendent or the precinct superintendent as the case may be shall obtain from the tax collector of their counties as soon after the first day of January of each year as practicable, and before the first day of May thereafter, a full list of the delinquent poll tax payers of such county for the previous year, and the persons so appearing on said list and who are such delinquent poll tax payers shall be subject to road duty for the period of three days during such year, and they shall be summoned as in other cases, to work the roads in the road district or precinct in which such person may reside, and the performance of the road service provided for in this section shall not exonerate the persons from any other road duty to which the persons performing the same may be subject, but this shall be taken as cumulative.

The persons required to do road duty under the provisions of this section shall be subject to prosecution as provided in this act, or other law of this state, and subject to the same liabilities and punishments provided for in other cases for failing to appear or do good work when summoned so to do, as provided for by this act or other law of this state, and all such laws shall apply to parties required to work under the provisions of this section. And when they are convicted for so failing to work the roads, shall satisfy the

fine and costs as in other misdemeanor convictions.

But any person summoned to work on the road under the provisions of this section may satisfy such summons and be relieved from such duty by paying to the county, road or precinct superintendent, as the case may be, three dollars; one-third of which sum shall go to the free school fund, and the balance to the road and bridge fund.

Senator Glasscock moved to consider the committee amendments by sections.

Adopted.

The first committee amendment was adopted.

The second committee amendment was adopted.

The third committee amendment was adopted.

The fourth committee amendment was adopted.

The fifth committee amendment was adopted.

(President pro tem Cranford in the chair.)

The sixth committee amendment was adopted.

The seventh committee amendment was adopted.

The eighth committee amendment was adopted.

The ninth committee amendment was adopted.

The tenth committee amendment was adopted.

The eleventh committee amendment was adopted.

The following privileged reports were handed in:

COMMITTEE ROOM,  
Austin, April 1, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate Joint resolution No. 17, being "Joint resolution authorizing the Governor of the State of Texas to receive and receipt for all money due the State of Texas by the United States government under act of Congress approved March 2, 1891,"

And find the same correctly engrossed.

CARTER, Chairman.

COMMITTEE ROOM,  
Austin, April 2, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Enrolled bills have carefully examined and compared

Senate bill No. 371, being "An act to create a more efficient road system for the county of Collin in the State of Texas and making the county commissioners ex-officio road commissioners and prescribing their duties as such, and providing for their compensation as road commissioners, and defining the powers and duties of the commissioners court of said county,"

And find the same correctly enrolled, and have this day, at 10:40 o'clock a. m., presented the same to the Governor for his signature.

CRANE, Chairman.

COMMITTEE ROOM,  
Austin, April 2, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Enrolled bills have carefully examined and compared

Senate bill No. 300, being "An act to provide for the incorporation of railway companies for the purpose of acquiring, owning, maintaining and operating any line or lines of railway within this state authorized to be sold and to empower such companies when so organized to purchase and extend,"

And find the same correctly enrolled, and have this day, at 10:40 o'clock a. m., presented the same to the Governor for his signature.

CRANE, Chairman.

Senator Glasscock offered the following amendment to the pending bill:

Amend section 8 by inserting after the word "number" in line 17 the following: "Which boundaries shall be recorded in the road minutes of the commissioners court."

Adopted.

Senator Lubbock offered the following amendment:

Amend section 27 by adding in line 32, after the word "Bowie," "Montgomery, Walker, Trinity."

Adopted.

Senator Frank offered the following amendment:

Amend by striking out the sixth committee amendment and insert the following: "But no change in any road shall be made that lengthens the same except upon the unanimous consent of all the commissioners at a regular term of said court and then only to put such road upon better ground."

Senator Potter made the point of order that the amendment seeks to strike out an amendment already adopted, and is therefore out of order, which was overruled by the chair.

Senator Kimbrough offered the fol-

lowing substitute for the amendment of Senator Frank:

Amend section 11 as amended, by striking out all after the word "public."

After debate the substitute was withdrawn.

The amendment of Senator Frank was lost by the following vote:

**YEAS—7.**

Atlee.	Frank,	Stephens,
Cranford,	Kimbrough,	Weisiger.
Finch,		

**NAYS—19.**

Burney,	Johnson,	Potter,
Carter,	Kearby,	Simkins,
Clemens,	Lubbock,	Sims,
Crane,	Maetze,	Townsend,
Glasscock,	Mott,	Tyler,
Garwood,	Pope,	Whatley.
Harrison,		

Senator Carter offered the following amendment: Amend section 27, line 32, by striking out the word "and," and inserting "Tarrant, Jack and."

Adopted by the following vote:

**YEAS—25.**

Atlee,	Harrison,	Potter,
Burney,	Johnson,	Simkins,
Carter,	Kearby,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Lubbock,	Townsend,
Finch,	Maetze,	Tyler,
Frank,	Mott,	Weisiger.
Garwood,	Pope,	Whatley.
Glasscock,		

**NAYS—None.**

Senator Kearby offered the following amendment:

Amend section 27 by adding after the word Red River in line 32, page 9, the following: "Henderson and Van Zandt."

Adopted.

Senator Kimbrough offered the following amendment:

Amend by adding the following at the end of section 27: "Provided that the county commissioners court of Dallas and Collin counties may accept and adopt the provisions of this act in lieu of the special acts for Dallas, Collin, Grayson and other counties, if in their judgment its provisions are better suited to Dallas and Collin counties than the said special laws."

Adopted.

Senator Stephens offered the following amendment:

Amend by adding to section 26 the following: "The provisions of this act shall not apply to any county not adopting its provisions by order of the commissioners court thereof."

Senator Atlee offered the following substitute for the amendment of Senator Stephens, which was accepted by the latter:

"Provided, the provisions of this act

shall not apply in any county unless by vote of the qualified electors thereof, such county shall decide to adopt its provisions. Such election shall be ordered by the commissioners court, on application of fifty residents."

Senator Townsend moved to table the amendment as substituted.

Adopted.

Senator Burney moved the previous question, which was ordered.

The bill was passed to a third reading.

Senator Potter moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

**YEAS—24.**

Atlee,	Glasscock,	Pope,
Burney,	Harrison,	Potter.
Clemens,	Johnson,	Sims,
Crane,	Kearby,	Stephens,
Cranford,	Kimbrough,	Townsend.
Finch,	Lubbock,	Tyler.
Frank,	Maetze,	Weisiger.
Garwood,	Mott,	Whatley.

**NAYS—None.**

Bill read third time.

Senator Frank offered the following amendment:

Amend by adding to the end of section 1 the following: "Provided, no county shall be under the operations of this act whose commissioners court does not appoint a road superintendent or superintendents as provided herein."

Adopted unanimously.

The bill was passed by the following vote:

**YEAS—22.**

Burney,	Harrison,	Potter,
Clemens,	Johnson,	Sims,
Crane,	Kimbrough,	Stephens.
Cranford,	Lubbock,	Townsend.
Finch,	Maetze,	Tyler.
Frank,	Mott,	Weisiger.
Garwood,	Pope,	Whatley.
Glasscock,		

**NAYS—3.**

Atlee.	Kearby.	McKinney,
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I first vote "no," and then vote "aye," to give it immediate effect, as it will pass anyway.

**TOWNSEND.**

Senator Stephens moved to correct Journal of yesterday, on page 5, in his substitute for the amendment of Senator Sims, by striking out "16," and insert "18, section 3, page 2."

Ordered.

Senator Johnson moved to postpone pending business, suspend the rules, and take up out of its regular order, Senate bill No. 341, entitled "An act to provide for the printing and pub-

lishing certain volumes of the decisions of the supreme court for the State of Texas, and to make an appropriation for the payment thereof."

Adopted and bill read second time with a favorable committee report.

Senator Crane offered the following amendment: Amend section by inserting after the word "board," in line 7, "and also to republish the general and special laws and decrees of Coahuila and Texas., the ordinance and decrees of the General Council of Texas, the general and special laws of the Congress of the Republic of Texas, and the general and special laws of the several Legislatures of the State of Texas to and inclusive of A. D. 1876.

Adopted.

The bill was ordered engrossed.

Senator Kearby moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—24.

Atlee,	Glasscock,	Mott,
Burney,	Harrison,	Pope,
Clemens,	Johnson,	Potter,
Crane,	Kearby,	Sims,
Cranford,	Kimbrough,	Stephens,
Finch,	Lubbock,	Townsend,
Frank,	Maetz,	Tyler,
Garwood,	McKinney,	Whatley.

NAYS—None.

Bill read third time.

Senator Stephens moved to recommit Senate bill No. 192, to committee on counties and county boundaries.

Adopted.

Senator Crane offered the following amendment to Senate bill No. 341:

Amend by adding the following to the caption: "and certain laws and decrees of Coahuila and Texas."

Adopted.

The bill passed by the following vote:

YEAS—23.

Atlee,	Garwood,	Mott,
Burney,	Glasscock,	Pope,
Carter,	Harrison,	Potter,
Clemens,	Johnson,	Sims,
Crane,	Kearby,	Stephens,
Cranford,	Kimbrough,	Townsend,
Finch,	Lubbock,	Tyler,
Frank,	Maetz,	

NAYS—2.

McKinney. Whatley.

Senator Townsend moved to postpone pending business, suspend the rule and take up out of its regular order

Senate joint resolution No. 16, proposing to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 16, 25 and 28, of the constitution of the state of Texas.

Adopted, and joint resolution taken up and read third time.

Senator Clemens offered the following amendment:

Strike out the words "and fees," page 3, section 3.

Adopted by the following vote:

YEAS—18.

Atlee,	Finch,	Maetz,
Burney,	Glasscock,	McKinney,
Carter,	Harrison,	Mott,
Clemens,	Johnson,	Townsend,
Crane,	Kearby,	Weisiger,
Cranford,	Lubbock,	Whatley.

NAYS—8.

Frank,	Pope,	Stephens,
Garwood,	Potter,	Tyler.
Kimbrough,	Sims,	

The joint resolution passed by the following vote:

YEAS—26.

Atlee,	Glasscock,	Potter,
Burney,	Johnson,	Simkins,
Carter,	Kearby,	Sims,
Clemens,	Kimbrough,	Stephens,
Crane,	Lubbock,	Townsend,
Cranford,	Maetz,	Tyler,
Finch,	McKinney,	Weisiger,
Frank,	Mott,	Whatley.
Garwood,	Pope,	

NAYS—None.

Senator Townsend moved to reconsider the vote passing the joint resolution, and to lay that motion on the table.

The motion to table was adopted.

Senator Lubbock moved to postpone pending business, and take up out of its regular order,

Senate bill No. 323, entitled "An act to amend section 9 of an act to authorize any city or town in the state to compromise existing indebtedness, and to issue new bonds to be sold or exchanged for this purpose, and to provide for the efficient collection of taxes to pay principal and interest of such new bond, and to provide for the appointment of receivers for said municipal corporations during the pendency of negotiations for such compromise," approved March 26, 1887.

Adopted, and bill read second time with a favorable committee report.

The bill was ordered engrossed.

Senator Lubbock moved to suspend the constitutional rule requiring a bill to be read on three several days, and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—27.

Atlee,	Glas-cock	Page,
Burney,	Harrison,	Pope,
Carter,	Johnson,	Potter,
Clemens,	Kearby,	Sims,
Crane,	Kimb ough,	Stephens,
Cranford,	Lubbock,	Townsend,
Finch,	Mae ze,	Tyler,
Frank,	McKinney,	Weisiger,
Garwood,	Mott,	Wh they.

Bill read third time and passed by the following vote:

## YEAS—23.

Atlee,	Harrison,	Pope,
Burney,	Johnson,	Sims,
Carter,	Kearby,	St phens,
Clemens,	Lubbock,	Townsend,
Crane,	Maetze,	Tyler,
Cranford,	McKinney,	Weisiger,
Finch,	Mott,	Whatley,
Garwood,	Page,	

## NAYS—3.

Frank,	Kimbrough,	Potter,
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Senator Garwood moved to postpone pending business and take up out of its regular order House bill No 473, entitled "An act to amend chapter 1, article 13, of the penal code by adding thereto article 405a.

Adopted and the bill read third time and passed.

Senator Burney moved to postpone pending business and take up out of its regular order Substitute Senate bill No 370, entitled "An act to validate patents heretofore issued by virtue of Confederate veteran donation land certificates."

Adopted and bill read second time with the following committee substitute:

Substitute senate bill No. 370, a bill to be entitled "An act to validate patents heretofore issued by virtue of confederate veteran donation land certificates."

Whereas, owing to the peculiar language used in the act granting land certificates to confederate veterans, the commissioner of the general land office held that its provisions did not require the individual and school surveys to be located adjacent and contiguous, but that the act only contemplated as the language of the act is "that the location shall locate a like amount of land for the benefit of the permanent school fund before either shall be patented and such location shall be made upon any of the public domain in Texas not reserved by law from location," and

Whereas, the supreme court of the State has recently decided that said individual and school surveys shall be adjacent and contiguous, and that surveys not so made are not in conformity to law. And

Whereas, more than a million acres of land has been patented by virtue of Confederate veteran certificates upon surveys not made contiguous and adjacent, as the supreme court holds they should have been made, and

Whereas, many of said individual surveys so patented under the practically liberal interpretation given to the law by the commissioner of the general land office, have been sold and

resold and have in the several years since their issuance passed from one owner to another through many hands, each and all relying upon the validity of the patents issued, signed and sealed by the governor and the land commissioner; and

Whereas, great hardship will result from the cloud now upon said patents; now, therefore

Section 1. Be it enacted by the legislature of the State of Texas, that all patents heretofore issued by virtue of Confederate veteran donation land certificates, and the corresponding school surveys, where the individual and school surveys have been made upon vacant, unappropriated and unreserved public domain, are hereby validated and shall henceforth be as good and valid as if said individual and school surveys had been made contiguous and adjacent.

The committee substitute was adopted.

House bill No. 636, entitled "An act to incorporate the city of Austin, to grant a new charter and to extend its boundaries."

Read first time and referred to committee on Incorporated Cities and Towns.

Senator Stephens offered the following amendment to the pending bill:

Amend section 1, line 2, by inserting before the word Confederate the words "valid and legal."

Senator Seale sent up the following conference committee report, which was adopted:

## COMMITTEE ROOM,

Austin, April 2, 1891.

Hon. George C. Pendleton, President of the Senate and Hon. R. T. Milner, Speaker of the House of Representatives:

Sirs—Your free conference committee, to whom was referred the difference existing between the two houses for settlement on Substitute House bill No. 112, being "An act to amend article 541a of the revised civil statutes of the state of Texas, and to validate incorporations of towns and villages heretofore made under certain conditions,"

Have had the same under consideration, and beg leave to report that the Senate amendment to Substitute House bill, be so amended as to read as follows: "Amend page 2, section 1, lines 18 and 19, by striking out said lines, and inserting sixteen square miles, whether the same be in a square or otherwise."

All of which is respectfully submitted.

CLEGG,  
WURZBACH,  
McCUNNINGHAM,  
WILLIAMSON,  
CRAYTON,

On part of the House.

SEALE,  
GARWOOD,  
GLASSCOCK,  
MCKINNEY,  
PAGE.

On part of the Senate.

Adopted April 2, 1891.

Respectfully,  
A. M. KENNEDY,  
Secretary Senate.

By consent the following reports were presented from their respective committees:

Austin, April 2, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Judiciary No. 1, to whom was referred

Senate bill No. 380, being "A bill to be entitled an act to provide for the enforcement of payment against the parent county and such counties as have been wholly created from it of demands existing prior to the creation of such new counties."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

POPE, Chairman.  
Austin, April 2, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Internal Improvements to whom was referred

Senate bill No. 377, being a bill entitled "An act concerning contracts for the conditional sale or lease of railroad equipment and rolling stock and providing for the record thereof."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

JOHNSON, Chairman.  
Austin, April 1, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Internal Improvements, to whom was referred

Senate bill No. 374, being "An act to amend article 4113 of the revised civil statutes of the state of Texas, and to validate all charter amendments in accordance with the article as amended."

Have had the same under considera-

tion, and instruct me to report the same back with the recommendation that the same do pass.

JOHNSON, Chairman.

Austin, April 1, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Committee on Internal Improvements, to whom was referred Senate bill No. 372, being "An act to amend article 4278 of the revised civil statutes of the state of Texas, as amended by an act approved April 8, 1889,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following amendment added to the end:

"Provided, that this act shall not apply to any railroad or branch railroad chartered under any special law, and shall apply only to railroads or branch railroads, projected by amendments under the general law."

JOHNSON, Chairman.

Austin, April 1, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Internal Improvements, to whom was referred

Senate bill No. 362, being "An act to regulate railroads, to run at least one train a day, Sundays excepted, upon which passengers shall be hauled."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass, for the reason that the same matter is included in the provisions of the commission bill.

JOHNSON, Chairman.

Senator Kimbrough moved to adjourn to 3 p. m. this afternoon.

Senator Page moved to adjourn to 10 a. m. tomorrow.

Lost by the following vote:

YEAS—7.

Johnson.	Page,	Townsend,
McKinney,	Seale,	Whatley.
Mott,		

NAYS—21.

Atlee,	Frank,	Meatze,
Burney,	Garwood,	Pope.
Carter,	Glasscock.	Potter,
Clemens,	Harrison	Simkins,
Crane,	Kea by,	Sims,
Cranford,	Kimbrough,	Stephens,
Finch.	Lubbock,	Tyler.

Senator Page moved to adjourn to 3:30 this afternoon.

Adopted.

AFTERNOON SESSION.

Senate met pursuant to adjournment.



Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answered to their names:

**PRESENT—29.**

Atlee,	Harrison,	Potter,
Burney,	Johnson,	Seale,
Carter,	Kearby,	Simkins,
Clemens,	Kimbrough,	Sims,
Crane,	Lubbock,	Stephens,
Cranford,	Maetze,	Townsend,
Finch,	McKinney,	Tyler,
Frank,	Mott,	Weisiger,
Garwood,	Page,	Whatley,
Glasscock,	Pope,	

**ABSENT—None.**

**REGULAR ORDER.**

Substitute Senate bill No. 370, entitled "An act to validate patents heretofore issued by virtue of Confederate veteran donation land certificates.

Taken up on second reading.

Question recurred to the following amendment of Senator Stephens:

Amend section 1, line 2, by inserting before the word "Confederate" the words "valid and legal."

Adopted.

Senator Glasscock offered the following amendment:

Amend section 1 by inserting after the word "certificates" in line 8 the following: "And for all such certificates which have been located and the field notes returned to the general land office within five years from date of such certificates."

Senator Atlee offered the following substitute for the amendment of Senator Glasscock:

Add to section 1 the following: "Provided, the effect of this act shall extend only to the manner of making the locations by virtue of such certificates, and is intended to make valid patents and surveys of such locations only as would be invalid because the certificates were not located in alternate adjacent sections as required by law."

Adopted.

The amendment as substituted was adopted.

Senator Garwood offered the following amendment:

Amend by adding to section 1 the following:

Provided this act shall not apply where such certificates have been located upon and over prior locations and surveys.

The following privileged report was presented:

Austin, April 2, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on engrossed

bills have carefully examined and compared

Senate joint resolution No. 16, being "Joint resolution to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 16, 25, and 28, article 5, of the Constitution of the State of Texas."

And find the same correctly engrossed.

CARTER, Chairman.

Senator Stephens offered the following substitute for the amendment of Senator Garwood:

Amend by adding to end of section 1 the following:

Provided, that this act shall not have the effect to prejudice the claims of prior locators under other valid certificates or preemption claims, but only of relinquishing the title of the state to the patentees under the Confederate donation certificates aforesaid.

Senator Carter moved to excuse Senators Seale and Page for today on account of important public business.

Adopted.

The following message was received from his excellency, the Governor:

EXECUTIVE OFFICE,

Austin, April 2, 1891.

To the Senate of the State of Texas:

I ask your advice and consent to the appointment of Stephen Smith, R. E. Prince and J. W. Edens, of Corsicana, as the board of managers of the State Orphan Asylum.

Respectfully,

J. S. HOGG,  
Governor.

(Senator Kearby in the chair.)

Senator Stephens withdrew his substitute and offered the following:

Amend by adding to end of section 1 the following:

Provided that this act shall not have the effect to prejudice the claims of prior locators under other valid certificates or pre-emption claims.

Senator Atlee offered the following amendment to the substitute, which was accepted by Senator Stephens:

Amend by inserting after the word "certificates" the word "grants."

The substitute as amended was adopted by the following vote:

**YEAS—19.**

Burney,	Kimbrough,	Potter,
Carter,	Lubbock,	Sims,
Clemens,	Maetze,	Stephens,
Glasscock,	Mott,	Townsend,
Harrison,	Page,	Tyler,
Johnson,	Pope,	Weisiger,
Kearby,		

**NAYS—10.**

Atlee,	Frank,	Seale,
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Crane. Garwood, Simkins,  
Cranford, McKinney, Whatley.  
Finch,

The amendment as substituted was adopted.

Senator Garwood offered the following amendment:

Add to end of section 1: "Provided that this act shall apply only to suits between the State and such patentees or their assigns."

Withdrawn.

(The President in the chair.)

Senator Johnson moved to reconsider the vote by which the substitute amendment of Senator Stephens was adopted as part of the bill.

Carried—19 ayes, 6 noes.

YEAS—19.

Burney, Johnson, Seale.  
Crane, Kearby, Simkins,  
Cranford, Kimbrough, Sims,  
Finch, Lubbock, Tyler,  
Frank, Meetze, Weisiger,  
Garwood, McKinney, Whatley.  
Glasscock,

NAYS—6.

Atlee, Harrison, Pope,  
Carter, Mott, Stephens,

Senator Johnson moved to reconsider the vote adopting the substitute of Senator Stephens for the amendment of Senator Garwood.

Adopted by the following vote:

YEAS—15.

Crane, Harrison, McKinney,  
Finch, Johnson, Seale,  
Frank, Kearby, Simkins,  
Garwood, Kimbrough, Weisiger,  
Glasscock, Maetze, Whatley.

NAYS—13.

Atlee, Mott, Sims,  
Burney, Page, Stephens,  
Carter, Pope, Townsend,  
Clemens, Potter, Tyler,  
Lubbock,

The following message was received from the House:

HOUSE OF REPRESENTATIVES,  
TWENTY SECOND LEGISLATURE, }  
Austin, Tex., April 2, 1891. }

Hon. George C. Pendleton, President of the Senate:

Sir—I am instructed by the House to inform you that the House has agreed to free conference reports to

House bill No. 112, and the majority report of free conference committee on House bill No. 236 and free conference committee report on Senate bill No. 2.

Respectfully,

GEO. W. FINGER.

Acting Chief Clerk House of Representatives.

The substitute of Senator Stephens was adopted by the following vote:

YEAS—20.

Atlee, Kimbrough, Simkins,  
Burney, Lubbock, Sims,  
Carter, Maetze, Stephens,

Clemens, Mott, Townsend,  
Frank, Page, Weisiger,  
Glasscock, Pope, Whatley,  
Harrison, Potter.

NAYS—6.

Finch, Johnson, McKinney,  
Garwood, Kearby, Seale

The amendment as substituted was adopted.

Senator Seale offered the following amendment:

Amend by adding to section 1: Provided that under this act validating surveys not made contiguous one-half of each several survey shall belong to the public school fund equal in quality as of quality with the one-half going to the individual.

Lost by the following vote:

YEAS—9.

Atlee, Garwood, McKinney,  
Crane, Johnson, Seale,  
Frank, Kearby, Whatley.

NAYS—18.

Burney, Kimbrough, Potter.  
Carter, Lubbock, Simkins,  
Clemens, Maetze, Sims,  
Finch, Mott, Stephens,  
Glasscock, Page, Townsend,  
Harrison, Pope, Weisiger.

Senator Garwood offered the following amendment:

Amend by adding to section 1 the following:

"Provided that the provisions of this act shall apply only to suits between the State and such patentees and their assignees, and provided further that no outstanding certificates, or certificates hereafter to be issued, shall be located upon any locations invalidated by reason of locations not made in contiguous sections.

Lost by the following vote:

YEAS—12.

Crane, Johnson, Seale,  
Frank, Kearby, Simkins,  
Garwood, Kimbrough, Weisiger,  
Glasscock, McKinney, Whatley.

NAYS—15.

Atlee, Harrison, Pope,  
Burney, Lubbock, Pot er.  
Carter, Maetze, Sims,  
Clemens, Mott, Stephens,  
Finch, Page, Townsend,

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
Twenty-Second Legislature, }  
AUSTIN, TEXAS, April 2, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed by the House to inform you that it refuses to concur in Senate amendments to

Substitute House bills Nos. 33, 238, 296, and Senate bill No. 5, "An act to create a more efficient road system for the several counties of this state, authorizing the appointment of road superintendents, defining their duties

and prescribing penalties for their failure to perform their duties, and further defining the powers and duties of the commissioners courts in the counties in which the provisions of this act are adopted," and ask for a free conference committee, and has appointed Messrs. Adkins, Jester, Owsley, Truit and McElwee as said committee.

And has passed the following bills:

House bill No. 482, "An act to amend article 4113 of the revised statutes of Texas, and to validate all charter amendments in accordance with the article as amended."

Also substitute House bills Nos. 16 and 109. "An act to amend article 4278 of the revised civil statutes of Texas, as amended by an act approved April 8, 1889."

Respectfully,

GEO. W. FINGER, Acting Chief Clerk  
House of Representatives.

Senator Potter moved that the request of the House for a free conference committee on Substitute House bills No. 33, 238, 296 and Senate bill No. 5 be granted.

Adopted.

And the chair appointed Senators Potter, Kimbrough, Garwood, Clemens and Lubbock as such committee.

Senator Stephens offered the following amendment to the pending bill:

Section 3. Whereas, there being many citizens of the state who are about to lose their lands by reason of a recent decision of the supreme court. Therefore an imperative public necessity exists, and an emergency, created, requiring that the constitutional rule, that all bills shall be read on three several days, be, and the same is hereby suspended, and that this act take effect from its passage, and it is so enacted.

Senator Carter moved the previous question on the amendment and the bill which was ordered.

The amendment of Senator Stephens was adopted.

The bill was ordered engrossed.

Senator Stephens moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote

YEAS—27.

Atlee,	Harrison,	Pope.
Burney.	Johnson,	Potter,
Carter.	Kearby,	Seale,
Clemens.	Kimbrough,	Sinkins.
Crane,	Lubbock,	Sims.
Finch,	Maetze,	Stephens,
Frank.	McKinney,	Townsend,

Garwood.  
Glasscock,

Mott,  
Page,

Weistger.  
Whatley.

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—17.

Atlee,  
Burney,  
Carter,  
Clemens,  
Glasscock,  
Harrison,

Johnson,  
Lubbock,  
Maetze,  
Mott,  
Page,  
Pope.

Potter,  
Sims,  
Stephens,  
Townsend,  
Weistger.

NAYS—10.

Crane,  
Finch,  
Frank,  
Garwood.

Kearby,  
Kimbrough,  
McKinney,

Seale,  
Sinkins,  
Whatley.

#### HOUSE BILLS REFERRED.

Substitute House bills Nos. 16 and 109 entitled "An act to amend article 4278 of the revised civil statutes of the state of Texas as amended by an act approved April 8, 1889."

Read first time and referred to committee on Internal Improvements.

House bill No. 482, entitled "An act to amend article 4113 of the revised civil statutes of the state of Texas and to validate all charter amendments in accordance with the article as amended."

Read first time and referred to committee on Internal Improvements.

The chair gave notice of signing and signed in the presence of the Senate after their titles had been read Substitute House bill No. 77, entitled "An act to facilitate the disposition of certain criminal cases in county courts."

Also, House bill No. 236, entitled "An act to make valid and to confirm contracts of sale made by the land board of the state of Texas, with divers persons for the sale of certain of the free school, university and asylum lands of the state of Texas sold under the act of the legislature of the state of Texas," approved April 12, 1883.

Senator Sims moved to postpone pending business, suspend the rules, and take up out of its regular order, Senate bill No. 124, entitled "An act to validate the locations and to direct that patents issue, on all surveys of not more than 320 acres of land, in all counties organized prior to January 1, 1880, located on the unappropriated public domain of Texas by virtue of what is known as Texas veteran land certificates.

Adopted and bill read second time with the following committee amendment:

Amend by adding to the last section the words "and provided further, that it shall not apply to any lands that have may been abandoned or can-

celed, nor shall it apply to any subsequently acquired pre-emption or homestead right legally acquired."

The committee amendment was adopted.

(Senator Pope in the chair.)

Senator Sims offered the following amendment:

Amend by adding at the end of bill an emergency clause as follows: Sec. 2. The necessity for the passage of this bill and the near approach of the close of the present session of the legislature creates an imperative public necessity, that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted, and that this act take effect and be in force from the passage, and it is so enacted.

Senator Townsend moved to adjourn to 10 a. m. tomorrow.

Adopted by the following vote:

**YEAS—14.**

Atlee,	Johnson,	Simkins,
Burney,	Kimbrough,	Townsend,
Clemens,	Mott,	Weisiger,
Crane,	Page,	Whatley.
Glasscock,	Seale,	

**NAYS—11.**

Finch,	Kearby,	Pope,
Frank,	Kimbrough,	Sims,
Garwood,	Lubbock,	Stephens.
Harrison,	Maetze,	

**SIXTY-NINTH DAY.**

SENATE CHAMBER,  
TWENTY-SECOND LEGISLATURE }  
Austin, April 3, 1891.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

**PRESENT—28.**

Atlee,	Harrison,	Pope,
Burney,	Johnson,	Potter,
Carter,	Kearby,	Seale,
Clemens,	Kimbrough,	Simkins,
Crauford,	Lubbock,	Sims,
Finch,	Maetze,	Stephens,
Frank,	McKinney,	Townsend,
Garwood,	Mott,	Tyler,
Glasscock,	Page,	Weisiger.
		Whatley.

**ABSENT—1.**

Crane.

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the journal, on motion of Senator Kimbrough, the further reading of the same was dispensed with.

**PETITIONS AND MEMORIALS.**

By Senator Carter:

Petitions from citizens of Fort Worth and Tarrant county, asking that certain bills now pending, having in view the security of titles in Tarrant and other counties, be passed.

Read first time and ordered to lie on the table subject to call.

The following reports were handed in from their respective committees:

**COMMITTEE ROOM,**

AUSTIN, April 2, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Commerce and Manufactories, to whom was referred

Substitute House bills Nos. 498 and 520, being "an act for the preservation of oysters and oyster beds, and for protecting the rights of persons to the same, and affixing penalties and providing locations for planting oysters,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass with the following amendments:

Amend section 4, page 14, after the word "exceeding," by striking out the word "two" and insert in lieu thereof the word "five," and in same line after the word "hundred" insert the words "and thirty-eight."

Amend section 9, page 4, lines 22 to 30 inclusive by striking out entire section.

All of which is respectfully submitted.

MOTT, Chairman.

**COMMITTEE ROOM,**

Austin, April 3, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Counties and County Boundaries, to whom was referred

Senate bill No. 192, being "A bill to be entitled an act to create and provide for the organization of the county of Sealy,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

STEPHENS, Chairman.

**COMMITTEE ROOM,**

Austin, April 3, 1891.

Hon Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared